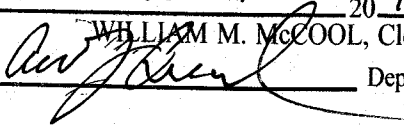


Presented to the Court by the foreman of the  
Grand Jury in open Court, in the presence of  
the Grand Jury and FILED in the U.S.  
DISTRICT COURT at Seattle, Washington.

November 7 20 19  
WILLIAM M. McCOOL, Clerk  
By  Deputy

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONTAI BERRY and  
SHANNON MCCALL,

Defendants.

NO. **CR19-230** JLR  
INDICTMENT

The Grand Jury charges that:

**COUNT 1**

**(Conspiracy to Violate the Gun Control Act)**

Beginning at a time unknown, but not later than in or about August 2017, and continuing until on or about July 1, 2019, in Renton, within the Western District of Washington, and elsewhere, LEONTAI BERRY, SHANNON MCCALL, and other persons known and unknown, knowingly and willfully conspired to acquire firearms unlawfully by making false and fictitious oral and written statements to a federally licensed firearms dealer that were intended and likely to deceive the dealer with respect to a fact material to the lawfulness of the sale or disposition of the firearms, in violation of the Gun Control Act, Title 18, United States Code, Section 922(a)(6).

1       **A. Background Allegations**

2       At all times relevant to this conspiracy:

3       1. Federal law required federally licensed firearm dealers to record the sale or  
4       disposition of a firearm on a firearm transaction record known as an ATF Form 4473. *See*  
5       27 C.F.R. § 478.124. The ATF Form 4473 records information regarding the identity of the  
6       buyer and asks a series of questions related to the buyer's eligibility to purchase and possess  
7       firearms. Question 11.a. on the ATF Form 4473 asks whether the person completing the  
8       form is the actual buyer/transferee of the firearm that will be purchased or transferred.

9       2. The Gun Control Act prohibited any person from knowingly and willfully  
10      making a false or fictitious oral or written statement that is intended or likely to deceive the  
11      dealer with respect to any fact that is material to the lawfulness of the sale or other  
12      disposition of the firearm. *See* 18 U.S.C. § 922(a)(6). This provision requires, among  
13      other things, the buyer to answer truthfully Question 11.a. and other questions listed on the  
14      ATF Form 4473.

15      3. The Gun Control Act further prohibited federally licensed firearm dealers  
16      from selling or delivering a handgun to any individual whom the dealer knows or has  
17      reasonable cause to believe is less than twenty-one years of age. *See* 18 U.S.C. § 922(b)(1).

18      4. LEONTAI BERRY was less than 21 years of age.

19      **B. Manner and Means of the Conspiracy**

20      5. It was part of the conspiracy that LEONTAI BERRY and SHANNON  
21      MCCALL, and others known and unknown, acquired a variety of firearms from a federally  
22      licensed firearms dealer located in Renton, Washington. These firearms were acquired  
23      through sales and pawn redemptions.

24      6. It was part of the conspiracy that LEONTAI BERRY and SHANNON  
25      MCCALL, and others known and unknown, agreed that SHANNON MCCALL would  
26      purchase firearms for and on behalf of LEONTAI BERRY and other persons by falsely  
27      representing herself as the actual buyer/transferee of the firearms, when in truth and fact,  
28      SHANNON MCCALL knew she was purchasing the firearms in her name for other persons

1 to possess. LEONTAI BERRY and SHANNON MCCALL entered into this arrangement  
2 because, among other reasons, LEONTAI BERRY could not legally purchase handguns  
3 from a federally licensed firearms dealer when he was less than 21 years of age.

4 7. It was part of the conspiracy that LEONTAI BERRY, and others known and  
5 unknown, gave SHANNON MCCALL money that SHANNON MCCALL used to purchase  
6 firearms.

7 8. It was part of the conspiracy that LEONTAI BERRY and SHANNON  
8 MCCALL, and others known and unknown, agreed that SHANNON MCCALL would  
9 transfer the firearms to LEONTAI BERRY and other persons after she acquired them.

10 **C. Overt Acts in Furtherance of the Conspiracy**

11 9. During and in furtherance of the conspiracy, within the Western District of  
12 Washington and elsewhere, one or more of the conspirators committed one or more of the  
13 following overt acts, among others:

14 a. On August 5, 2017, SHANNON MCCALL acquired a Glock 23 .40  
15 S&W caliber pistol bearing serial number VZT781 from a federally licensed firearms dealer  
16 located in Renton, Washington.

17 b. On August 5, 2017, in the process of acquiring the Glock 23 .40 S&W  
18 caliber pistol bearing serial number VZT781, SHANNON MCCALL falsely answered  
19 "Yes" to question 11.a on ATF Form 4473, asking whether she was "the actual  
20 transferee/buyer of the firearm(s) listed on this form," as alleged in Count 2, below.

21 c. At a time unknown, but not earlier than August 5, 2017, SHANNON  
22 MCCALL transferred the Glock 23 .40 S&W caliber pistol bearing serial number VZT781  
23 to LEONTAI BERRY.

24 d. On May 15, 2018, SHANNON MCCALL acquired a Glock 19  
25 9x19mm caliber pistol bearing serial number BFRL184 from a federally licensed firearms  
26 dealer located in Renton, Washington.

27 e. On May 15, 2018, in the process of acquiring the Glock 19 9x19mm  
28 caliber pistol bearing serial number BFRL184, SHANNON MCCALL falsely answered

1 “Yes” to question 11.a on ATF Form 4473, asking whether she was “the actual  
2 transferee/buyer of the firearm(s) listed on this form,” as alleged in Count 3, below.

3 f. At a time unknown, but not earlier than May 15, 2018, SHANNON  
4 MCCALL transferred the Glock 19 9x19mm caliber pistol bearing BFRL184 to LEONTAI  
5 BERRY.

6 g. On July 28, 2018, SHANNON MCCALL acquired a Glock 27 .40  
7 S&W caliber pistol bearing serial number BAEH480 from a federally licensed firearms  
8 dealer located in Renton, Washington.

9 h. On July 28, 2018, in the process of acquiring the Glock 27 .40 S&W  
10 caliber pistol bearing serial number BAEH480, SHANNON MCCALL falsely answered  
11 “Yes” to question 11.a on ATF Form 4473, asking whether she was “the actual  
12 transferee/buyer of the firearm(s) listed on this form,” as alleged in Count 5, below.

13 i. At a time unknown, but not earlier than July 28, 2018, SHANNON  
14 MCCALL transferred the Glock 27 .40 S&W caliber pistol bearing serial number  
15 BAEH480 to LEONTAI BERRY.

16 j. On October 4, 2018, SHANNON MCCALL acquired a Century Arms  
17 PAP M92 7.62x39mm caliber pistol bearing serial number M92PV011356 from a federally  
18 licensed firearms dealer located in Renton, Washington.

19 k. On October 4, 2018, in the process of acquiring the Century Arms PAP  
20 M92 7.62x39mm caliber pistol bearing serial number M92PV011356, SHANNON  
21 MCCALL falsely answered “Yes” to question 11.a. on ATF Form 4473, asking whether she  
22 was “the actual transferee/buyer of the firearm(s) listed on this form,” as alleged in Count 6,  
23 below.

24 l. At a time unknown, but not earlier than October 4, 2018, SHANNON  
25 MCCALL transferred the Century Arms PAP M92 7.62x39mm caliber pistol bearing serial  
26 number M92PV011356 to LEONTAI BERRY.  
27  
28

1 m. On January 29, 2019, SHANNON MCCALL acquired a Glock 23 .40  
2 S&W caliber pistol bearing serial number LMX273 from a federally licensed firearms  
3 dealer located in Renton, Washington.

4 n. On January 29, 2019, in the process of acquiring a Glock 23 .40 S&W  
5 caliber pistol bearing serial number LMX273, SHANNON MCCALL falsely answered  
6 "Yes" to question 11.a. on ATF Form 4473, asking whether she was "the actual  
7 transferee/buyer of the firearm(s) listed on this form," as alleged in Count 7, below.

8 o. At a time unknown, but not earlier than January 29, 2019, SHANNON  
9 MCCALL transferred a Glock 23 .40 S&W caliber pistol bearing serial number LMX273 to  
10 LEONTAI BERRY.

11 p. On or about March 31, 2019, LEONTAI BERRY sent SHANNON  
12 MCCALL a Facebook message asking her to call a gun store to obtain information about  
13 the prices of specific Glock pistols that LEONTAI BERRY wanted SHANNON MCCALL  
14 to purchase for him.

15 q. On or about March 31, 2019, in response to LEONTAI BERRY's  
16 request, SHANNON MCCALL called a gun store and obtained information about the  
17 availability and prices of the Glock pistols that LEONTAI BERRY wanted SHANNON  
18 MCCALL to purchase for him.

19 r. On or about May 3, 2019, LEONTAI BERRY sent a Facebook  
20 message to SHANNON MCCALL asking her to purchase a rifle for him.

21 s. On or about June 20, 2019, LEONTAI BERRY sent a Facebook  
22 message to SHANNON MCCALL asking her to purchase a rifle for him.

23 All in violation of Title 18, United States Code, Section 371.

## 24 **COUNT 2**

### 25 **(False Statement in Connection with the Acquisition of a Firearm)**

26 On or about August 5, 2017, in Renton, within the Western District of Washington,  
27 LEONTAI BERRY and SHANNON MCCALL, in connection with the acquisition of a  
28 firearm, that is: a Glock 23 .40S&W caliber pistol bearing serial number VZT781, from a

1 federally licensed firearms dealer, knowingly and willfully made a false and fictitious  
 2 written statement intended and likely to deceive such dealer with respect to a fact material  
 3 to the lawfulness of the sale of such firearm, when SHANNON MCCALL falsely answered  
 4 "Yes" to question 11.a. on ATF Form 4473, asking whether she was "the actual  
 5 transferee/buyer of the firearm(s) listed on this form."

6 The grand jury further alleges that this offense was committed during and in  
 7 furtherance of the conspiracy alleged in Count 1, above.

8 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

### 9 **COUNT 3**

#### 10 **(False Statement in Connection with the Acquisition of a Firearm)**

11 On or about May 15, 2018, in Renton, within the Western District of Washington,  
 12 LEONTAI BERRY and SHANNON MCCALL, in connection with the acquisition of a  
 13 firearm, that is: a Glock 19 9x19mm caliber pistol bearing serial number BFRL184, from a  
 14 federally licensed firearms dealer, knowingly and willfully made a false and fictitious  
 15 written statement intended and likely to deceive such dealer with respect to a fact material  
 16 to the lawfulness of the sale of such firearm, when SHANNON MCCALL falsely answered  
 17 "Yes" to question 11.a. on ATF Form 4473, asking whether she was "the actual  
 18 transferee/buyer of the firearm(s) listed on this form."

19 The grand jury further alleges that this offense was committed during and in  
 20 furtherance of the conspiracy alleged in Count 1, above.

21 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

### 22 **COUNT 4**

#### 23 **(Possession of a Machinegun)**

24 Beginning on or about May 15, 2018, and continuing through on or about August 21,  
 25 2018, in King County and elsewhere within the Western District of Washington, LEONTAI  
 26 BERRY knowingly possessed a machinegun, that is, a Glock Model 19 9x19mm caliber  
 27 pistol with serial number BFRL184 and an aftermarket Glock conversion device installed.  
 28



1 The grand jury further alleges that this offense was committed during and in  
2 furtherance of the conspiracy alleged in Count 1, above.

3 All in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

4 **COUNT 5**

5 **(False Statement in Connection with the Acquisition of a Firearm)**

6 On or about July 28, 2018, in Renton, within the Western District of Washington,  
7 LEONTAI BERRY and SHANNON MCCALL, in connection with the acquisition of a  
8 firearm, that is: a Glock 27 .40 S&W caliber pistol bearing serial number BAEH480, from  
9 a federally licensed firearms dealer, knowingly and willfully made a false and fictitious  
10 written statement intended and likely to deceive such dealer with respect to a fact material  
11 to the lawfulness of the sale of such firearm, when SHANNON MCCALL falsely answered  
12 “Yes” to question 11.a. on ATF Form 4473, asking whether she was “the actual  
13 transferee/buyer of the firearm(s) listed on this form.”

14 The grand jury further alleges that this offense was committed during and in  
15 furtherance of the conspiracy alleged in Count 1, above.

16 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

17 **COUNT 6**

18 **(False Statement in Connection with the Acquisition of a Firearm)**

19 On or about October 4, 2018, in Renton, within the Western District of Washington,  
20 LEONTAI BERRY and SHANNON MCCALL, in connection with the acquisition of a  
21 firearm, that is: a Century Arms PAP M92 7.62x39mm caliber pistol bearing serial number  
22 M92PV011356, from a federally licensed firearms dealer, knowingly and willfully made a  
23 false and fictitious written statement intended and likely to deceive such dealer with respect  
24 to a fact material to the lawfulness of the sale of such firearm, when SHANNON MCCALL  
25 falsely answered “Yes” to question 11.a. on ATF Form 4473, asking whether she was “the  
26 actual transferee/buyer of the firearm(s) listed on this form.”

1 The grand jury further alleges that this offense was committed during and in  
2 furtherance of the conspiracy alleged in Count 1, above.

3 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

4 **COUNT 7**

5 **(False Statement in Connection with the Acquisition of a Firearm)**

6 On or about January 29, 2019, in Renton, within the Western District of Washington,  
7 LEONTAI BERRY and SHANNON MCCALL, in connection with the acquisition of a  
8 firearm, that is: a Glock 23 .40 S&W caliber pistol bearing serial number LMX273, from a  
9 federally licensed firearms dealer, knowingly and willfully made a false and fictitious  
10 written statement intended and likely to deceive such dealer with respect to a fact material  
11 to the lawfulness of the sale of such firearm, when SHANNON MCCALL falsely answered  
12 “Yes” to question 11.a. on ATF Form 4473, asking whether she was “the actual  
13 transferee/buyer of the firearm(s) listed on this form.”

14 The grand jury further alleges that this offense was committed during and in  
15 furtherance of the conspiracy alleged in Count 1, above.

16 All in violation of Title 18, United States Code, Sections 922(a)(6), 924(a)(2), and 2.

17 **COUNT 8**

18 **(Making a False Statement to a Government Agent)**

19 On or about July 1, 2019, in Renton, within the Western District of Washington,  
20 SHANNON MCCALL knowingly and willfully made a false, fictitious, and fraudulent oral  
21 statement and representation in a matter within the jurisdiction of the executive branch of the  
22 Government of the United States, by telling Special Agent Gregory Heller of the Federal  
23 Bureau of Alcohol, Tobacco, Firearms, and Explosives that several of the firearms she had  
24 purchased were stored with her “Uncle James” in his safe. The statement and representation  
25 was false because, as SHANNON MCCALL then and there knew, her “Uncle James” did not  
26 exist, she was no longer in possession of the firearms, and she did not know where the firearms  
27 were located.



1 The grand jury further alleges that this offense was committed during and in  
2 furtherance of the conspiracy alleged in Count 1, above.

3 All in violation of Title 18, United States Code, Section 1001(a)(2).

4 **COUNT 9**

5 **(Making a False Statement to a Government Agent)**

6 On or about July 1, 2019, in Renton, within the Western District of Washington,  
7 SHANNON MCCALL knowingly and willfully made a false, fictitious, and fraudulent oral  
8 statement and representation in a matter within the jurisdiction of the executive branch of the  
9 Government of the United States, by telling Special Agent Gregory Heller of the Federal  
10 Bureau of Alcohol, Tobacco, Firearms, and Explosives that she purchased only one firearm  
11 for her son, Leontai Berry, and that she had purchased that one firearm over a year earlier.  
12 The statement and representation was false because, as SHANNON MCCALL then and there  
13 knew, she had purchased multiple firearms for Leontai Berry, and at least one of those  
14 purchases had taken place in or about the past six months.

15 The grand jury further alleges that this offense was committed during and in  
16 furtherance of the conspiracy alleged in Count 1, above.

17 All in violation of Title 18, United States Code, Section 1001(a)(2).

18 **COUNT 10**

19 **(False Statement in Connection with the Acquisition of a Firearm)**

20 On or about September 9, 2018, in Renton, within the Western District of  
21 Washington, SHANNON MCCALL, in connection with the acquisition of a firearm, that is:  
22 the purchase of a Smith and Wesson SD9 9mm caliber firearm bearing serial number  
23 FZX4484, from a federally licensed firearms dealer, knowingly and willfully made a false  
24 and fictitious written statement intended and likely to deceive such dealer with respect to a  
25 fact material to the lawfulness of the sale of such firearm, by falsely answering "Yes" to  
26 question 11.a. on ATF Form 4473, asking whether she was "the actual transferee/buyer of  
27 the firearm(s) listed on this form."

28 All in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**Forfeiture Allegation**

The allegations contained in Counts 1–7 and 10 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Upon conviction of any of the offenses alleged in Counts 1–7 and 10 of this Indictment, the defendants, LEONTAI BERRY and SHANNON MCCALL, shall forfeit to the United States any firearms or ammunition involved or used in any knowing violation of Title 18, United States Code, Sections 922(a) or 924, or any violation of any other criminal law of the United States.

**(Substitute Assets)**

If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

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1 it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p)  
2 and Title 28, United States Code, Section 2461(c), to seek the forfeiture of any other  
3 property of the defendants, up to the value of the above-described forfeitable property.  
4  
5  
6  
7

8 A TRUE BILL:

9  
10 DATED: November 7, 2019

11 *(Signature of Foreperson redacted pursuant to*  
12 *the policy of the Judicial Conference of the*  
13 *United States)*

14 FOREPERSON

15  
16  
17 BRIAN T. MORAN  
18 United States Attorney

19  
20 TODD GREENBERG  
21 Assistant United States Attorney

22  
23 JESSICA M. MANCA  
24 Assistant United States Attorney  
25  
26  
27  
28